IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. M. No.31493-M of 2007
Date of Decision. August 30 ,2007.

Seema .....Petitioner(s)

Versus

State of Punjab .....Respondent(s)

*** * * ***

Present Mr. P. P. S. Duggal, Advocate
for the petitioner

Mr. IPS Sidhu, Sr. DAG, Punjab
for the respondent – State.

S. S. Saron, J(Oral)

The petitioner seeks regular bail pending trial.

During the course of hearing, it has transpired that the petitioner was arrested in this case on January 08, 2007. She had filed an application No. 92 dated March 13, 2007, for bail before the learned Sessions Judge, Ferozepur, which was disposed of vide order dated April 03, 2007. The order was passed along with the bail Application No. 79 dated March 02, 2007 filed by the accused Ajay Masih. The learned Sessions Judge, has observed in his order dated April 03, 2007 with regard to the accused Seema (petitioner) that she is required for custodial interrogation by the police. This would show that the application of the petitioner has been considered and declined as an application for grant of pre-arrest bail. The petitioner Seema was in fact arrested on January 08, 2007. Therefore, her application for bail was liable to be considered for the grant of regular bail.

Consideration for grant of pre-arrest bail and regular bail after arrest, are materially different. In these circumstances, it would be just and expedient that application of the petitioner for grant of regular bail is reconsidered in the first instance by the learned Sessions Judge, Ferozepur.

Consequently, the order dated April 03, 2007 passed by the learned Sessions Judge, Ferozepur is set aside to the extent that the application for bail of Seema (petitioner) has been declined. The same shall be reconsidered on the premise that it is an application for regular bail.

The learned Sessions Judge, Ferozepur, would decide the application as expeditiously as possible and preferably within two weeks after receipt of a certified copy of this order.

The Crl. Misc. is disposed of accordingly.

August 30, 2007 **(S. S. Saron)**

mamta **Judge**